IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

WP(C).No. 29424 of 2007(C)

PETITIONER:

MAIJA, W/O JOBY,
PAZHAYI HOUSE, KORATTY.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS:
----

1. REGIONAL TRANSPORT AUTHORITY,
THRISSUR.

2. SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
THRISSUR(RTO).

BY GOVERNMENT PLEADER SRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.29424/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: PHOTOCOPY OF THE RELEVANT PAGE OF REGISTRATION CERTIFICATE

EXT.P2: PHOTOCOPY OF THE COMMUNICATION DT.9.9.07

//TRUE COPY//

ANTONY DOMINIC, J.
==========
W.P.(C) NO. 29424 OF 2007 C
==========

Dated this the 2nd day of November, 2007

J U D G M E N T

Ext.P2 order is under challenge. Ext.P2 is an order passed on the application made by the petitioner for enhancing the seating capacity. In terms of Rule 269(1) of the Kerala Motor Vehicles Rules, the minimum seating capacity for a vehicle having wheel base between 408 to 432 cm. is 35. However, the request has been turned down on the ground that there exists no circumstances for enhancing the capacity.

2. In my view, the reasoning is incorrect. So long as the request of the petitioner is within the scope of the Rule, irrespective of whether there is any change in circumstances or not, the same request is liable to be considered. Therefore, Ext.P2 will stand quashed and the respondents will pass fresh orders on the application made by the petitioner, which shall, needless to say, be in consistent with the relevant rules.

Writ petition is disposed of.

ANTONY DOMINIC, JUDGE.

Rp